

Message Text

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TO AMEMBASSY BONN IMMEDIATE

INFO USMISSION USBERLIN

AMEMBASSY LONDON

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AMEMBASSY MOSCOW

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C O N F I D E N T I A L STATE 180322

E.O. 11652:GDS

TAGS: PGOV, BQG

SUBJECT: SOVIET DEMARCHE ON FEDERAL PROSECUTION OF
LORENZ KIDNAPPERS

REF: BONN 12426; STATE 177700

1. SOVIET CHARGE VASEV LEFT FOLLOWING STATEMENT WITH
ASSISTANT SECRETARY VEST JULY 30 FOLLOWING MEETING
WITH THE SECRETARY ON OTHER MATTERS.

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BEGIN TEXT:

ACCORDING TO REPORTS BY THE PRESS A TRIAL HAS BEGUN IN
THE WESTERN SECTORS OF BERLIN OF A GROUP OF PERSONS WHO
KIDNAPPED THE CHAIRMAN OF THE CHRISTIAN-DEMOCRATIC
UNION OF THE WESTERN SECTORS OF BERLIN P. LORENZ IN 1975.

IT IS REPORTED AT THE SAME TIME THAT THE PROSECUTION OF THE CASE AT THE COURT WILL BE INSTITUTED AND CARRIED ON BY THE FRG FEDERAL PROCURATOR'S OFFICE.

IT IS A KNOWN FACT THAT FEDERAL BODIES OF THE FRG CANNOT PERFORM OFFICIAL ACTS IN THE WESTERN SECTORS OF BERLIN IN THE EXERCISE OF DIRECT STATE POWER OVER THE WESTERN SECTORS OF BERLIN. IT HAS BEEN EXPLICITLY STIPULATED BY THE QUADRIpartite AGREEMENT OF SEPTEMBER 3, 1971. IN THIS CONNECTION THE SOVIET SIDE DEEMS IT NECESSARY TO STATE THAT THE INTENTION OF THE FRG FEDERAL PROCURATOR'S OFFICE TO ACT AS THE PROSECUTOR AT THE TRIAL OF THE KIDNAPPERS OF P. LORENZ IS AN ATTEMPT TO VIOLATE FLAGRANTLY THE QUADRIpartite AGREEMENT. THE SOVIET SIDE EXPECTS THAT THE US AUTHORITIES WOULD PROMPTLY TAKE NECESSARY MEASURES TO PREVENT SUCH VIOLATION IN ACCORDANCE WITH THE OBLIGATIONS PLACED ON THEM UNDER THE QUADRIpartite AGREEMENT.

THE SOVIET SIDE ONCE AGAIN DRAWS ATTENTION TO THE FACT THAT ATTEMPTS OF THE FRG BODIES TO ACT IN THE WESTERN SECTORS OF BERLIN IN DEFIANCE OF THE QUADRIpartite AGREEMENT ARE FRAUGHT WITH SERIOUS CONSEQUENCES AND DO NOT MEET THE INTERESTS OF ENSURING THE NORMAL SITUATION AROUND THE WESTERN SECTORS OF BERLIN.

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END TEXT.

2. EXCHANGE WAS BRIEF. VEST TOLD VASEV THAT USG WOULD STUDY THE TEXT AND MAKE A FULL REPLY IN DUE COURSE. VEST TOOK THE OPPORTUNITY TO POINT OUT TO VASEV THAT THE PROSECUTION OF THIS CASE IN BERLIN BY OFFICERS OF THE FEDERAL PROSECUTORS OFFICE IS NOT AN ACT BY A FEDERAL BODY IN EXERCISE OF DIRECT STATE AUTHORITY OVER BERLIN, THAT IT HAS NO EFFECT ON THE STATUS OF THE CITY AND IS NO WAY INCONSISTENT WITH THE QA.

3. DEPT HAS RECEIVED NO PRESS QUERIES AS YET ON THE FEDERAL PROSECUTION ISSUE. PRESENT PRESS GUIDANCE FOR USE HERE ON IF ASKED BASIS IS AS FOLLOWS:

QUOTE:

Q: WHAT IS THE US POSITION ON FRG PROSECUTION IN BERLIN OF MEMBERS OF THE JUNE 2 MOVEMENT?

A. THIS IS A CASE PRESENTLY UNDER ADJUDICATION. WE ARE CONSIDERING THE MATTER VERY CAREFULLY, AND WOULD PREFER

TO MAKE NO COMMENT AT THE MOMENT. HOWEVER, ANY
PROCEEDINGS WHICH TAKE PLACE IN BERLIN WILL BE IN
CONFORMITY WITH BERLIN LAW.

Q: HAVE THE SOVIETS PROTESTED AGAINST THIS PROSECUTION?

A. WE HAVE NO COMMENT AT THIS TIME.

UNQUOTE. CHRISTOPHER

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